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Fax Transmittal

From: Luis J. Rodriguez
Fax No.: (973) 761-6488
Tel No.: (973) 761-1300
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Attention: Mr. Marcus

In The United States Patent And Trademark Office

Appl. Number: 09/978,215
Appl. Filed: 10/15/01
Applicant: Luis J. Rodriguez
Title: Self Sealing Letter Sheets *(Formerly: Self Sealing Forms)*
Examiner / GAU: Stephen P. Garbe / 3727

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RESPONSE TO PAPER #33

Pro-se applicant respectfully submits the following clarifications in response to Paper #33 by Office, as applicant is in disagreement with some of the premises proposed therein.

- 1) Pro-se applicant sought clarification of the meaning of last paragraph of paper #25 by telephone, precisely because if the petition was already ruled as late, —as explained to the Director, Mrs. E. Rollins-Cross — two months later could only make it a fortiori untimely.

However, the response received did not have any conditions or qualifications, as paper 33 now suggests. The response to the question posed to the Director: "If I file a renewed petition, would it be considered on its merits?" was a categoric "Yes". To which applicant added: "Then, I will definitely file it", and applicant, in fact filed it.

Obviously, a different response by the Office would have prompted a different course of action by pro-se applicant.

Needless to say that such response was perceived as an agreement, especially in light of the fact that the Director suggested submission of the petition via facsimile transmission.

- 2) The officer in charge of the petition under 37 CFR 1.183, —Mr. Brian Hearn— dismissed the petition to waive any rules, regarding timeliness. However the officer forwarded the other petitions to the Examining Group, for consideration under 37 CFR 1.181.
- 3) The petition filed on January 09, 2003 explained the reasons for "any eventual untimeliness", contrary to what Paper #33 states, that such explanation had not been furnished. Applicant did not elaborate on these reasons on paper of May 26, in view of paragraph #1 above. The wording "eventual untimeliness" further proves that applicant was not certain of such untimeliness, contrary to what Paper #33 states.
- 4) 37 CFR 1.181(f) affords ample discretion to the Director to impart justice beyond any time frame:
"Except as otherwise provided in these rules, any such petition not filed within 2 months from the action complained of, may be dismissed as untimely..."
- 5) Paper #29 stated that a "Compelling Rationale" had not been submitted, inferring that such "Compelling Rationale" would have a determining effect in a decision. Paper of May 26 by Applicant proved that such compelling rationale had been submitted, and further, provided a summary thereof. However, paper #33 by Office did not address the issue.
- 6) The summary of Interview submitted on November 22, 2002 (27 days after advisory action), listed in writing all the actions that pro-se applicant complains about, which obviously constituted a tacit petition for remedies.
- 7) Justice is justice. Legally, justice is the interpretation of the law, and the use of all the resources and discretions it affords an officer for its execution and practice. Any deviation from this notion can only amount at best, to legalized injustice.

Respectfully submitted

Luis J. Rodriguez, Pro-se Applicant

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